

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

|                          |   |                     |
|--------------------------|---|---------------------|
| APPLETON PAPERS INC. and | ) |                     |
| NCR CORPORATION,         | ) |                     |
|                          | ) |                     |
| Plaintiffs,              | ) |                     |
|                          | ) |                     |
| v.                       | ) | No. 08-CV-00016-WCG |
|                          | ) |                     |
| GEORGE A. WHITING PAPER  | ) |                     |
| COMPANY, et al.,         | ) |                     |
|                          | ) |                     |
| Defendants.              | ) |                     |

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**MOTION OF FRG DEFENDANTS<sup>1</sup> FOR LEAVE TO FILE AMENDED  
COUNTERCLAIMS TO SEVENTH AMENDED COMPLAINT**

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The FRG Defendants, by and through their undersigned counsel, hereby move this Court for an Order granting each FRG Defendant leave to file an Amended Counterclaim against Appleton Papers Inc. and NCR Corporation (collectively, "Plaintiffs"). The proposed amendment would simply clarify and confirm the FRG Defendants seek a judgment reallocating FRG assessments paid by each FRG Defendant relating to the contamination of the Lower Fox River which is the subject of this action and their previously asserted counterclaims. The FRG Defendants bring this Motion pursuant to Federal Rules of Civil Procedure 15(a)(2). Pursuant to Local Rule 15.1, copies of each FRG Defendants' proposed Amended Counterclaims are attached to this

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<sup>1</sup> This motion is filed on behalf of the following defendants: CBC Coating Inc., Georgia Pacific Consumer Products LP (p/k/a Fort James Operating Company Fort James Corporation, and Georgia-Pacific LLC (collectively, "GP"), P.H. Glatfelter Company, U.S. Paper Mills Corp., and WTM I Company (hereinafter, "FRG Defendants").

Motion as Exhibit A through Exhibit E. The FRG Defendants also submit along with this Motion a brief in support.

Dated: September 23, 2011

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I, Sabrina Mizrachi, do hereby certify that on this 23<sup>rd</sup> day of September 2011, I caused a copy of the foregoing Motion of FRG Defendants For Leave to File Amended Counterclaims to the Seventh Amended Complaint to be served upon the following by electronic mail:

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